



SF 2198 – Eluding Law Enforcement (LSB 5808SV)

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Fiscal Note Version – New

Requested by Senator Keith A. Kreiman

Description

SF 2198 broadens the definition of eluding or attempting to elude a marked law enforcement vehicle. In order to be convicted under this Bill the driver must also have committed another traffic offense.

Background

Correctional and Fiscal Information

- There were 147 convictions for aggravated misdemeanor eluding and 168 convictions for serious misdemeanor eluding in FY 2009.
- Estimates indicate that 56.0% of aggravated misdemeanants convicted of eluding are sentenced to county jail. Approximately 7.0% are sentenced to prison.
- The average length of stay for offenders sentenced to county jail for eluding is not known due to a lack of data.
- The difference in the average length of stay for offenders sentenced to prison for aggravated misdemeanors compared to serious misdemeanors is about 30 days. The marginal cost for prison is \$18.29 per day per offender. The cost of one additional offender sentenced to prison as an aggravated misdemeanant is \$549 (\$18.29 x 30 days).
- The average length of stay on parole for an aggravated misdemeanant compared to a serious misdemeanant is 3.3 months. The average daily cost of parole is \$3.64 per offender. The cost of one additional offender on parole is \$360 (\$3.64 x 3.3 months).
- The difference between the average length of stay for an offender sentenced to probation as an aggravated misdemeanant compared to a serious misdemeanant is 7.1 months. The average daily cost of probation is \$3.64 per offender. The cost of one additional offender is \$775 (\$3.64 x 7.1 months).
- The difference in cost per case for indigent defense for an aggravated misdemeanor compared to a serious misdemeanor is \$600.
- There is minimal difference in costs to the Judicial Branch for an aggravated misdemeanor compared to a serious misdemeanor.

Minority Data Information

Approximately 20.0% of offenders convicted for the serious misdemeanor are African American while 16.0% of offenders convicted of the aggravated misdemeanor are African American.

Assumptions

Correctional and Fiscal Information

- Broadening the definition to remove the speeding requirement and adding an endangerment component may increase the number of aggravated misdemeanor convictions and decrease the number of serious misdemeanor convictions.

- Eluding may not be the most serious conviction for offenders convicted of this offense. They may receive multiple convictions for their actions where a felony may be the lead offense. To the extent that a percentage of offenders have a lead offense of a felony, this Bill will have a limited correctional impact for the aggravated misdemeanor conviction.
- Half of the offenders convicted are indigent.

Minority Information

Approximately 14.0% of Iowa's population has at least one disability. The number of disabled offenders convicted under this Bill may be 14.0%.

Summary of Impacts

Correctional Impact

There will be an estimated 13 offenders annually convicted of an aggravated misdemeanor under the Bill that are currently convicted of a serious misdemeanor under current law. One of these offenders will be sentenced to prison. Twelve of the offenders will be sentenced to probation.

Under current law, there are offenders convicted of eluding that are not receiving a sentence of prison or probation supervision. They may be sentenced to jail or receive a fine, or a combination thereof. To the extent this Bill causes sentencing patterns to change, and results in more aggravated misdemeanor convictions, there could be a significant increase in probation caseloads. This impact cannot be estimated but may be significant, given the number of convictions is 315 in FY 2009 (147 aggravated and 168 serious misdemeanors).

Minority Impact

To the extent the Bill shifts serious misdemeanor convictions to aggravated misdemeanor convictions, there may be an increase in the confinement of minorities to a limited degree.

Fiscal Impact

The fiscal impact is an estimated cost to the General Fund of \$14,400 annually, beginning in FY 2011, as follows:

- Prison - \$549 (one offender annually).
- Parole - \$360 (one offender annually).
- Probation - \$9,300 (12 offenders annually).
- Indigent defense - \$4,200 (7 offenders annually).

Sources

Department of Corrections
Department of Human Rights, Criminal and Juvenile Justice Planning Division
Judicial Branch
Office of the State Public Defender

/s/ Holly M. Lyons

February 10, 2010

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the correctional and minority impact statements were prepared pursuant to [Section 2.56, Code of Iowa](#). Data used in developing this fiscal note, including correctional and minority impact information, is available from the Fiscal Services Division of the Legislative Services Agency upon request.
